



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,700	07/27/2006	Manfred Meinherz	2004P00849	3539
24131 7590 06/30/2008 LERNER GREENBERG STEMER LLP P O BOX 2480 HOLLYWOOD, FL 33022-2480			EXAMINER FISHMAN, MARINA	
			ART UNIT 2832	PAPER NUMBER
			MAIL DATE 06/30/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/587,700

Applicant(s)

MEINHERZ, MANFRED

Examiner

Marina Fishman

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-9, 11-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-9, 11-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

General status

1. This is a Final Action on the Merits. Claims 7 – 9, 11 - 25 are pending in the case and are being examined.

Claim Objections

2. Claims 23 and 24 are objected to because of the following informalities:

Claim 23, line 3 recites “said coupling housing” lacks proper antecedent basis.

Claim 24, it is not clear if “a first drive device” recited in line 4, and “a second drive device” recited in line 7, are the same as “a drive device” recited in Claim 19, line 17.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 7 - 9, 11 - 13, 19 - 22, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by JP-354068942A.

Regarding Claims 7 and 19, JP-354068942A discloses a compressed-gas-insulated switching device [Figure 3] comprising:

- a grounded encapsulating housing [30] formed of electrically conductive material;
- the encapsulating housing having first and second flanges [Figure 3];

- an electrical phase conductor [31] electrically insulated within the encapsulating housing;
- first and second coupling housings [3B, 3A];
- a circuit breaker interrupter unit [4];
- a first insulating housing [20] surrounding the interrupter unit [4], connected through the first coupling housing [3b] to the first flange and having an interior;
- a switch disconnecter [2];
- a second insulating housing [10] surrounding the switch disconnecter [2], connected through the second coupling housing [3a] to the second flange and having an interior;
- a drive shaft [24] associated with a drive device [23, 13] and passing through a wall of the first coupling housing;
- the first insulating housing [20] together with the interrupter unit [4] and the first coupling housing [3B] being interchangeable with the second insulating housing [10] together with the switch disconnecter [2] and the second coupling housing [3A, due to structural similarity];
- the interrupter unit having a main current path with a first connecting point connected to the phase conductor [31] and a second connecting point leading exteriorly [5] from the interior of the first insulating housing [20];

- the switch disconnecter [2] having a first connecting point connected to the phase conductor [31] and a second connecting point leading exteriorly [1] from the interior of the second insulating housing [10].

Regarding Claims 8, 9, 20 and 21, JP-354068942A discloses the switch disconnecter [2] has a movable contact piece, and a drive device [13] is coupled to the second coupling housing [3a] for moving the movable contact piece, and the circuit breaker interrupter unit [4] has a movable contact piece, and a drive device [23] is coupled to the first coupling housing [3b] for moving said movable contact piece. Regarding Claims 11-13, 22 and 24, JP-354068942A discloses drive shafts [24 and 14] passing through a wall of respective the first and second coupling housings.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14 -18, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP-354068942A in view of Calvino [US 4,379,957].

Regarding Claims 14 -18, 23 and 25, JP-354068942A discloses the drive devices [23, 13] for the circuit breaker interrupter unit [4] and the disconnecter unit [2] however the devices are not disposed on an outer periphery of the respective coupling houses. Calvino discloses a gas-insulated switching device with drive mechanisms disposed on an outer periphery of the respective coupling houses [Figure 1]. It would have been

obvious to one having ordinary skill in the art at the time the invention was made to dispose the drive devices on an outer periphery of the respective coupling houses in JP-354068942A, as suggested by Calvino, in order to make the gas-insulated switching device compact.

Response to Arguments

7. Applicant's arguments filed 4/30/2008 have been fully considered but they are not persuasive.

The Applicant has stated that the Office Action fails to provide any kind of rejection for claims 14 and 15. The Examiner wishes to point out the Office Action Summary (PTOL-326) clearly indicates that claims 7-18 are being rejected. The Office Action did have a typographic error, and under paragraph 6, of the rejection, the Examiner should have stated claims 14 -18, rather than claims 16 -18. It is also noted that limitations presented in Claim 14 and 15 are almost identical to the limitation of Claims 16 and 17 respectively and are also disclosed by the combined references of JP-354068942A and Calvino. Any reasonable Applicant would have understood the rejection of Claims 13 and 14 in view of the references.

Applicant has also argued that the recited limitation of claim 7, "said first insulating housing together with said interrupter unit and said first coupling housing being interchangeable with said second insulating housing together with the switch disconnecter and said second coupling housing" are not taught by the cited prior art. The Examiner respectfully disagrees. The structure of the first and second housings being similar, the first housing along with interrupter unit can be interchanged with the

second housing along with the disconnecter. The Applicant made further point that the interchange of the two housings in Japanese reference is not possible. Rather in order to be able to interchange the portion of the Japanese reference, further changes to drive device in the lower area of Figure 3 must be made. The Examiner wishes to point out that, even in the case of the instant invention, because the hollow supporting tubes in which the movable contacts moves, (supporting tubes- not numbered) for the disconnecter as well as interrupter extends below the connecting flange [11a, 11b] of the respective coupling housings [8, 9], the process of interchange will require some degree of disconnection or modification of elements and therefore, the disclosure of Japanese reference meets the recitation in Claim 7.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is (571)272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elvin G Enad/
Supervisory Patent Examiner, Art Unit 2832

/Marina Fishman/
Examiner, Art Unit 2832
June 23, 2008